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9
 10 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

11 ELECTRONIC FRONTIER FOUNDATION,)	
)	Case No. 4:09-cv-03351-SBA
12 Plaintiff,)	
)	Stipulation
13 v.)	
)	No hearing requested
14 CENTRAL INTELLIGENCE AGENCY, <i>et al.</i> ,)	
)	
15 Defendants.)	

16
 17 The parties to this action, through their undersigned counsel, have conferred and
 18 have reached an agreement with respect to the plaintiff's motion for partial summary
 19 judgment and the defendants' motion for a stay of proceedings with respect to the Federal
 20 Bureau of Investigation ("FBI"). At the hearing held on December 15, 2009, this Court
 21 indicated its intent to partially grant the plaintiff's motion for partial summary judgment,
 22 and to grant the defendant's motion for a stay. The Court also directed the parties to
 23 submit proposed orders reflecting this disposition of their respective motions. Each party
 24 maintains its objections to the granting of the other party's motion. However, the parties
 25 have now reached an agreement as to the content of an order that would reflect the
 26 Court's intent, and they respectfully ask that the Court enter an order as follows.

- 27 1. The plaintiff's motion for partial summary judgment is granted in part.
 28

1 a. It is ORDERED that the defendant Department of Justice's component
2 Office of the Attorney General shall complete the processing of the plaintiff's February
3 13, 2009 and June 19, 2009 Freedom of Information Act requests, and produce all records
4 determined to be responsive and not exempt from disclosure, by January 15, 2010; and

5 b. It is further ORDERED that the defendant Department of Defense,
6 including its component the Defense Intelligence Agency, shall complete the processing
7 of the plaintiff's February 25, 2008 and June 19, 2009 Freedom of Information Act
8 requests, and produce all records determined to be responsive and not exempt from
9 disclosure, by February 2, 2010; and

10 c. It is further ORDERED that the defendants Central Intelligence Agency,
11 National Security Agency, and the Office of the Director of National Intelligence shall
12 complete the processing of the plaintiff's February 25, 2008 and June 19, 2009 Freedom
13 of Information Act requests, and produce all records determined to be responsive and not
14 exempt from disclosure, by February 16, 2010.

15 2. The defendant's motion for a stay of proceedings with respect to the FBI is
16 granted.

17 a. Further proceedings are STAYED in this action with respect to the
18 plaintiff's February 25, 2008 and June 19, 2009 Freedom of Information Act requests
19 submitted to the FBI until May 6, 2011 (with respect to the first request) and until
20 November 5, 2011 (with respect to the second request).

21 b. The defendants are ORDERED to file a status report within 120 days of
22 the date of this order, and every 120 days thereafter, informing the Court of the status of
23 the plaintiff's FOIA requests within the FBI's "large queue."

24 c. The defendants are further ORDERED to file a status report informing
25 the Court at the time that each of these requests has risen to the top of its queue and is
26 available for processing.
27
28

1 d. At such time that each request rises to the top of its queue, the FBI is
2 further ORDERED to commence the processing of documents potentially responsive to
3 that request, and is ORDERED to process those documents at a rate of 1600 pages in
4 every eight weeks following the date that processing began. At the conclusion of each
5 eight week period, the FBI shall release to the plaintiff any documents (or portions of
6 documents) that it has determined to be responsive and not to be exempt from disclosure,
7 and the FBI shall also file a status report informing the Court of its progress in the
8 processing of those documents.

9 Dated: December 17, 2009

Respectfully submitted,

11 /s/ Nathan D. Cardozo
NATHAN D. CARDOZO
12 Counsel for the Plaintiff

14 /s/ Joel McElvain
JOEL McELVAIN
15 Counsel for the Defendants

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19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21 Dated: 12/21/09

22 *Saundra B. Armstrong*
The Hon. SAUNDRA B. ARMSTRONG
United States District Judge